

**Meeting:** No. 469  
**Date:** Monday, October 4, 1999  
**Time:** 3.00 p.m.  
**Place:** No. 1 Committee Room, City Hall

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**PRESENT:****Board**

F. A. Scobie Director of Development Services (Chair)  
L. B. Beasley Co-Director of Planning  
B. MacGregor Deputy City Manager  
D. Rudberg General Manager of Engineering Services

**Advisory Panel**

J. Hruda Representative of the Design Professions (Urban Design Panel)  
J. Hancock Representative of the Design Professions  
A. Gjernes Representative of Development Industry  
P. Kavanagh Representative of Development Industry  
D. Chung Representative of General Public  
B. Parton Representative of General Public  
R. Roodenburg Representative of General Public

**Absent**

R. Mingay Representative of General Public

**ALSO PRESENT:**

R. Segal Development Planner  
B. Adair Development Planner  
M. Thomson Assistant City Surveyor

**Item 3 - ADDRESS - 623 WEST 8TH AVENUE DE403940 - ZONE C-3A**

W. T. Leung W. T. Leung Architects Inc.  
A. Rozen W. T. Leung Architects Inc.  
P. Kreuk Durante Kreuk Ltd. Landscape Architects

**CLERK TO THE BOARD:**

Louise Christie

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1. MINUTES

It was moved by Mr. Beasley, seconded by Mr. Rudberg, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 9, 1999 be approved, with a notation to clarify that Mr. Gjernes, Representative of Development Industry, excused himself from Item #3 (601 Canada Place Way) because of his firm's involvement with the application.

It was moved by Mr. Rudberg, seconded by Mr. Beasley, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of August 23, 1999 be approved.

2. BUSINESS ARISING FROM THE MINUTES

None.

3. ADDRESS - 623 WEST 8TH AVENUE - DE403940 - ZONE C-3A (PRELIMINARY APPLICATION)

Applicant: W. T. Leung Architects Inc.

Request: To construct a multiple-dwelling building, containing 134 dwelling units, with three storeys (viewed from 8<sup>th</sup> Avenue) and four storeys (viewed from the lane) for 200 ft. on the westerly portion of the site, and six storeys (viewed from 8<sup>th</sup> Avenue) and seven storeys (viewed from the lane) on the easterly 100 ft. portion of the site. To increase the floor space ratio from 1.0 to 2.67 and building height from 30 ft. to 65.06 ft.

**Development Planner's Opening Comments**

The Development Planner, Bob Adair, presented this application. In 1995, when it was rezoned from FM-1 to C3-A, Council approved site-specific Guidelines limiting the height on the western two-thirds of the site to 30 ft., and, by inference, allowing the applicant to seek a height relaxation on the easterly one-third. The Board reviewed a previous proposal on April 19, 1999, but deferred its decision because of concerns of residents and tenants in surrounding developments. The Board's previous concerns were shadowing on the Omega, view impacts on the Broadway Plaza, the general mass and scale of the development, and parking. With the redesign, there has been a reduction in height of 21 ft., the building now being six storeys as seen from West 8<sup>th</sup> Avenue. Also, the 6<sup>th</sup> floor has been set back an additional 19 ft. from the lane, taking considerable massing off the rear of the building. The shadow cast by the mid-rise building at noon on the equinox aligns with the top of the solid guards on the rear patios at the lane level of the Omega, and, therefore, does not negatively impact any of the patios of the lane-level units. There is one bi-level patio at the southeast corner which will be impacted, the upper level of which will be partially shadowed at noon and 2:00, both by its solid privacy wall and by this development. The view analysis, using panoramic photos taken from the fourth floor of the Broadway Plaza building, shows that skyline and mountains views would not be affected. The number of parking spaces has been increased from 124 to 143, a ratio of just over one per dwelling unit, as the number of dwelling units has decreased from 143 from 134. This number is in excess of 117 required by the Parking By-law in the C3-A district. Three letters of objection regarding the height and massing of the building were received. However, Staff feel that the design changes have

significantly reduced impacts on adjacent properties and are supportive of the height relaxation requested.

In the revised proposal, the public open space has become more linear in character along West 8<sup>th</sup> Avenue, which, being the sunny side of the street, provides a good area for office workers and residents to sit and relax. Condition 1.1 requires further design work to make the courtyard between the low and mid-rise elements more inviting and prominent. The second row of trees shall be moved back onto private property, which is Engineering Policy, and the seating areas also moved back. The middle portion of the low-rise building has been moved closer to the street by about three feet in the current proposal. This crowds the sense of public amenity, and Staff recommend that this portion of the building move back to its original position. As well, the entry walkway into the low-rise building needs to be redesigned so that there is a better sense of flow of public space along West 8<sup>th</sup> Avenue.

The applicant has pulled the mid-rise building back from the south property line by about three feet which allows landscaping to continue to the corner of Ash Street. Condition 1.2 is to get as much landscaping as possible at grade adjacent to the City boulevard, and to minimize the impact of blank walls close to the property line. Condition 1.3 requests further design development to ground level units along Ash Street to change the entry doors from patio slider doors to strongly define the main entries, more consistent with other residential developments on Ash Street. The residential use should also be extended further up the hill by about ten feet, to minimize the areas of blank wall along Ash Street. This may mean the loss of a couple of the additional parking spaces, or that three units become two larger units.

Condition 1.4 is to clear up a discrepancy where the landscape drawings call for brick garden fence, preferred by Staff, but where the architectural drawings indicate concrete block. Condition 1.5 addresses a general intent in residential development to provide private outdoor open space for all dwelling units. The Balcony Enclosure Guidelines generally limit balcony enclosures to about 50 percent of the balconies provided, whereas the applicant proposes that all balconies be enclosed. Staff do have concerns about the impacts of this on the articulation of the building, the lack of private outdoor space, and also the negative impact on residential character, especially along Ash Street. The final condition 1.6 is to treat the roof of the low-rise to make it more attractive to surrounding high-rise development, usually done with patterned gravel or an arrangement of paving stones.

In summary, Staff recommend approval in principle including the relaxations of height and density requested, subject to the conditions proposed, and also recommend that the complete application be dealt with by the Director of Planning.

In response to a question from Mr. Rudberg, Mr. Adair noted that there is a concluding comment in the Staff Committee Report: “. . . make arrangements with Engineering Services to pave the existing unpaved lane.” The Staff Committee did not, however, propose a specific condition of approval. Mr. Rudberg noted that the lane adjoining this site is in poor shape and felt that paving it should be addressed. If it is a condition, he suggested paving be done at the cost of the applicant, rather than the local improvement procedure of getting the requisite levels of support from other property owners and sharing the expense.

### **Applicant's Comments**

Mr. Leung referred to condition 1.1 and asked Mr. Kreuk to address the issue of the open space. It was designed as a “green-lung” for the local neighbourhood, a primarily visual public amenity but unique. The linear open space is 15 ft. in width from the side walk to the brick fence; then there is an additional four feet space with hedge and planting to the wall of the building. The band of planting to the south of the brick fence is a perennial garden, intended to have flowering plants most of the year and textures throughout the winter, so that it becomes the focal point of the open space itself, rather than a traditional buffer or transitional planting. It runs for 80 percent of the width as, close to the mosque, the building is

pulled closer to the street and it starts to line up with an old streetscape. The courtyard can be further developed to make it appear publicly more accessible, and a landscape feature can be added that will draw people in. There is enough space to move the second row of trees back but, adjacent to the mid-rise portion the trees would have to be smaller columnar or multi-stemmed flowering, which will change the concept. More hard surface in the area of the benches can also be created. When questioned, Mr. Kreuk stipulated that the only difficulty that the applicant perceived with condition 1.1 was the statement in the 'Note to Applicant' that the low-rise be moved back three feet to its previous position.

Mr. Leung addressed conditions 1.2. and 1.3, noting that they can be met by excavating a little deeper to bring the parking garage roof at grade with the City boulevard. The dwelling units could be extended further south, although they will be near to the sidewalk. 1.4 is not an issue. He requested 1.5 be relaxed. In calculating FSR, all the floor area, including washers and dryers, enclosed balconies, etc. is included, so FSR is not an issue. The massing has already been much reduced, further stepping down from the higher buildings to the south and east, making a reasonable transition to Fairview Slopes. The Urban Design Panel considered it to be well-articulated and the floor-to-floor heights make it clear that it is a residential building. He felt that extraordinary steps already had been taken to reduce the scale of this building and that extra care had been taken to reduce shadowing of the building to the north. Condition 1.6 will be done at the complete stage, probably with patterned gravel. It would be good to pave the lane, especially because of parking access, but the neighbours would all benefit and the cost should be shared.

Mr. Beasley asked Mr. Leung if there was any marketing research that showed that people prefer apartments with or without open space. Mr. Leung responded that he didn't know of any such research but noted that the units are for rent only and tenants tend not to be long term. A public open space is provided within the development that can be enjoyed by the inhabitants and, also, the site is near the seawall, etc. The roof terraces are private space for adjoining units. All balconies are enclosed along Ash Street. Mr. Beasley noted that the density bonus requested is to increase the FSR from an outright of 1.0 to 2.67.

Members of the advisory Board and the Panel then took time to review the model and posted drawings.

### **Comments from Other Speakers**

None.

### **Panel Opinion**

Mr. Hruda addressed condition 1.1 and the issue of the additional three foot setback sought by staff which he said was not discussed at the Urban Design Panel. He felt that the attitude of units and having them opening to the street, and the context of this project in the Fairview slopes, were supportable as proposed and that a larger open space would give it a suburban feel. The principle of having front doors on the street is as important on West 8<sup>th</sup> Avenue as on Ash Street and the sliding patio doors need to be replaced with front doors. The courtyard needs more thought with respect to the pathways, as well as a centrepiece to give it more of a feel of public space. However, the overall feeling was that the applicant had done so much, particularly to the massing, that it ought to be supported. The Panel liked the building massing and detailing the way it is, and FSR is not an issue so condition 1.5 can only be defended if open balconies are requested for livability reasons. The Panel would support both 1.2 and 1.6.

Jim Hancock felt the articulation had been improved and refined. The public space should be more

concentrated, rather than linear, as trading density for a linear open public space in front makes it feel like an RM-4 project in Kitsilano. More in keeping with Fairview Slopes are the doors on the street. Conditions 1.2 and 1.3 seem easy to achieve as the parkade has room for changing. 1.4 is achievable. Concerning 1.5, the building already reads as a residential building, so opening balconies is not necessary. 1.6 can be handled easily.

Mr. Scobie referred to previous commentary of the Urban Design Panel in the minutes of April 19, 1999. Making the public amenity more linear in configuration is consistent with the Urban Design Panel's advice. He sought clarification from both Mr. Hruda and Mr. Hancock and they commented that the public amenity space needed careful design attention, preferably so that the adjoining units open onto it much as other units in Fairview slopes do to the street.

Mr. Gjernes supported the approval of the project with further changes. In 1.1, 'Note to the Applicant', he felt the extra three feet was not necessary and, in the context, unreasonable as there is a workable landscaping scheme. The doors on Ash Street need more work as requested in 1.3. The enclosed balconies proposed, which condition 1.5 seeks to change, are already included in FSR and could be called solariums, or something else, but are good for security and noise reduction, and provide a variety of uses. He recommended deletion of 1.5. There is no problem with 1.2 or 1.6. As for the lane paving, it is onerous to ask one owner to pay for the whole length, but they should pay for their portion of the lane. Mr. Rudberg noted that this portion of the lane is now gravel. In the absence of other adjoining property owners stepping forward, should we wait until they agree to share the cost or should we require, as part of the restoration of the lane following the completion of this project, that the lane be paved?

Mr. Kavanagh thinks it is a fine project. If there is disturbance of the lane from construction work, it should be restored to the original gravel surface. He asked if paving was a \$15,000 item and was told it might be around \$6,000. He felt this cost should be shared by owners along the lane.

Mr. Roodenberg thought the massing of the project fits well into the area. If the owners or the applicant feel that the lane should be improved, they should petition and get it done. As for 1.1, the landscaping should be left alone although he does not like the cluster of the six trees at the entrance, which make it regimented. Taking three feet away from the units would not add significantly to the public streetscape. The facade does not need to be articulated further. The tenants should have the option to open the balconies for sun and air.

Mr. Chung felt the additional three foot setback was not necessary. He agreed that there should be an option for flexible balconies. He commented that this redesign is a great improvement over last submission.

Ms. Parton agreed the project has come along and does not think the additional three feet setback is necessary as the units are small, as is. She suggested some of the trees be eliminated as they take away from the open space. She did not support front doors opening on the public space, as they would take away space from the units, and they have access by an internal corridor. She supported the provision of open balconies: When people live in an apartment, it is nice to go outside onto a private balcony space. Paving the lane is a necessity but the cost should be shared by all the owners adjacent the lane. The development will be an asset to the area.

**Board Discussion:**

Mr. MacGregor moved approval in principle of the application, subject to several amendments to the

conditions recommended by the Staff Committee:

- (i) the first sentence in the Note to Applicant, condition 1.1 (seeking a further three foot setback), be removed.
- (ii) the Note to Applicant, condition 1.5, should encourage opening or enclosure as the season dictates, and
- (iii) a condition 1.7 should also be included to deal with lane paving along the length of the site. It should be done at the cost of the developer, with work to be completed prior to occupancy. This area is not like single family residential and it is difficult through the Local Improvement Process to get the approval of the neighbours in strata-titled units.

Mr. Beasley seconded the motion but put forward one minor amendment. He stressed a moral obligation to put the first sentence of the 'Note to the Applicant' back in, even though it is contrary to the advice of the Advisory Panel. Typically, in C-3A zoning, the maximum public benefit must be sought. With an excellent landscape architect and staff input, the urban context of the public open space can be maintained, but the amount of space has an effect on livability. Here, setting back the three or four units does not have impact except on the landscaping. The development at Broadway and Fir Street is a good example of a successful public space on private property. He requested a seconder. Mr. Leung mentioned that the linear park on Broadway and Fir Street is on a right-of-way only ten feet wide, although acknowledging its context differed from that of the proposed linear open space.

Mr. MacGregor was not supportive of the amendment. Mr. Rudberg was prepared to accept the original motion, not the amendment, because of the unanimous comment of the Advisory Panel. The applicant was congratulated for the redesign, creating a more livable community on that block, and supplying considerably more detail than the usual preliminary.

Mr. Segal had information on the concept of balconies, which must be either open or enclosed. The extent of flexibility that some of the Board may think possible cannot be achieved. Recently, this matter was put to Council to achieve clarification on enclosed balconies for the industry. Enclosed balconies must be treated as interior space from the glazing and energy perspective. Expansive window openings are clearly sought as part of the Balcony Enclosure Guidelines. Residential livability was the main thrust in pursuing private open space, either as open or enclosed balconies, and is essential in high density developments.

### **Motion**

It was moved by Mr. MacGregor and seconded by Mr. Beasley, and was the decision of the Board:

THAT the Board APPROVE IN PRINCIPLE Development Application No. DE403940, in accordance with the Development Permit Staff Committee Report dated September 22, 1999, with the following amendments:

- 1.1 Delete the first sentence in the **Note to Applicant**.
- 1.5 Amend the **Note to Applicant**: In determining which balconies should be opened up and which should remain enclosed, opening the balconies on the Ash Street (east) elevation is particularly encouraged, *to achieve the greatest flexibility for the residents in terms of seasonal use, with maximum openable window space.*
- 1.7 **New Condition**: *arrangements shall be made to the satisfaction of the*

*General Manager of Engineering Services to pave the existing unpaved lane.*

*Note to Applicant: The lane should be paved prior to issuance of any occupancy permit.*

**6. OTHER BUSINESS**

None.

There being no further business, the meeting adjourned at 5:00 pm.

Louise Christie  
Clerk to the Board

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F. A. Scobie  
Chair